

1 LYSSA S. ANDERSON
Nevada Bar No. 5781
2 KRISTOPHER J. KALKOWSKI
Nevada Bar No. 14892
3 KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
4 Las Vegas, Nevada 89135
Telephone: (702) 792-7000
5 Fax: (702) 796-7181
landerson@kcnvlaw.com
6 kkalkowski@kcnvlaw.com

7 *Attorneys for Defendant*
Las Vegas Metropolitan Police Department
8 *and Officer Smith (P#9643)*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 MARK CLIFFORD SYKES, Sui Juris,

CASE NO.: 2:21-cv-01479-RFB-DJA

12 Plaintiff,

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT OF CLARK COUNTY
15 NEVADA, et al.,

**LVMPD’S MOTION FOR
EXTENSION OF TIME TO
RESPOND TO PLAINTIFF’S
SECOND AMENDED COMPLAINT**

16 Defendants.

17 Defendants Las Vegas Metropolitan Police Department (“LVMPD”) and Officer Smith
18 (P#9643) (collectively, “LVMPD Defendants”), through their counsel, Kaempfer Crowell, move
19 under Federal Rule of Civil Procedure 6 for a twenty-one day extension of time to respond to
20 Plaintiff Mark Sykes’s operative Second Amended Complaint, (ECF No. 22). FRCP 6 imposes a
21 good cause standard on this extension request because the deadline for LVMPD Defendants to
22 respond has not yet expired. Good cause supports a twenty-one day extension of the deadline to
23 respond because the allegations made in this case are lengthy and the undersigned counsel
24 requires additional time to review all filings to date, evaluate available defenses, as well as

1 review available documents and body camera footage to accurately prepare an Answer or Motion
 2 to Dismiss. No facts at this stage indicate that Plaintiff would suffer prejudice if this twenty-one
 3 day extension of time were granted.

4 DATED this 17th day of May, 2023.

5 KAEMPFER CROWELL

6 By: /s/ Lyssa S. Anderson

7 LYSSA S. ANDERSON (Nevada Bar No. 5781)

8 KRISTOPHER J. KALKOWSKI (Nevada Bar No. 14892)

1980 Festival Plaza Drive, Suite 650

Las Vegas, Nevada 89135

9 *Attorneys for Defendant*

10 *Las Vegas Metropolitan Police Department*

11 *and Officer Smith (P#9643)*

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I. BACKGROUND**

14 Plaintiff initiated this case on a *pro se* capacity on August 6, 2021. From this initiation
 15 date through March 2023, Plaintiff made several filings challenging the Court's Reports and
 16 Recommendations, moving for recusal of the assigned judges, submitting an Amended
 17 Complaint then Second Amended Complaint, and waiting for the Court to issue Screening
 18 Orders on his pleadings.

19 The Court's most recent Screening Order dated March 3, 2023, (ECF No. 23), permitted
 20 Plaintiff to proceed with portions of his Second Amended Complaint. Then, on April 26, 2023,
 21 LVMPD and Officer Smith (P#9643) received summonses for this lawsuit. The Court's docket
 22 shows that this date was the first time any defendant had been served with the lawsuit. Under
 23 Federal Rule of Civil Procedure 12(a)(1)(A)(i), these two defendants have until May 17, 2023, to
 24 file an Answer or otherwise respond to the Second Amended Complaint.

II. ARGUMENT

LVMPD Defendants' current deadline to file a response to Plaintiff's Second Amended Complaint is May 17, 2023. Because this deadline has not yet expired at the time of this Motion's filing date, a good cause standard under Federal Rule of Civil Procedure 6(b)(1)(A) governs their request for an extension of this response deadline. Good cause under FRCP 6(b)(1)(A) is a "non-rigorous standard." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (discussing how "good cause" under FRCP 6(b)(1) is a "non-rigorous standard that has been construed broadly across procedural and statutory contexts"). Accordingly, "requests for extensions of time made before the applicable deadline has passed should normally . . . be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party." *Id.* (internal quotations omitted)

Here, good cause supports LVMPD Defendants' request for a twenty-one day extension of time to respond to Plaintiff's Second Amended Complaint based on the need to review the extensive procedural history of this case and evaluate the lengthy allegations raised in the currently operative Second Amended Complaint, (ECF No. 22), so that an accurate responsive pleading can be prepared. Indeed, this case is unique because it has already been active for nearly two years before LVMPD Defendants were served with a summons. Plaintiff's allegations discuss a range of events stretching from his arrest on August 8, 2020, to his detention at the Clark County Detention Center and release two days later. These events require the undersigned to compile relevant information including body camera footage, detention records, and any documents related to his release from custody (if still available). The general twenty-one day deadline to respond to Plaintiff's Second Amended Complaint created by FRCP 12(a)(1)(A)(i) does not provide enough time to accomplish these tasks.

This request for additional time is made in a good-faith effort to litigate this case on its

1 merits. Moreover, at this stage, there are no indications that Plaintiff would suffer prejudice if
2 the Court granted LVMPD Defendants' request for an extension of just twenty-one days to
3 respond to Plaintiff's Second Amended Complaint.

4 **III. CONCLUSION**

5 For the reasons stated in this Motion, good cause supports a twenty-one day extension of
6 time for LVMPD Defendants to respond to Plaintiff Mark Sykes's operative Second Amended
7 Complaint, (ECF No. 22).

8 DATED this 17th day of May, 2023.

9 KAEMPFER CROWELL

10 By: /s/ Lyssa S. Anderson

11 LYSSA S. ANDERSON (Nevada Bar No. 5781)
12 KRISTOPHER J. KALKOWSKI (Nevada Bar No. 14892)
13 1980 Festival Plaza Drive, Suite 650
14 Las Vegas, Nevada 89135

15 *Attorneys for Defendant*
16 *Las Vegas Metropolitan Police Department*
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CERTIFICATE OF SERVICE

I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I caused the foregoing **LVMPD'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT** to be served via CM/ECF and/or First Class Mail (where indicated) addressed to the following:

Mark Clifford Sykes
P.O. Box # 91614
Henderson, NV 89009

Plaintiff, Pro Se

(Via U.S., First Class Mail)

DATED this 17th day of May, 2023.

/s/ Linda Gilman
an employee of Kaempfer Crowell